

ATTACHMENT D –STANDARD PROVISIONS

I. STANDARD PROVISIONS – PERMIT COMPLIANCE

A. Duty to Comply

1. The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code and is grounds for enforcement action; permit termination; permit revocation or modification and reissuance; denial of a permit renewal application; or a combination thereof. (40 C.F.R. § 122.41(a); Wat. Code, §§ 13261, 13263, 13265, 13268, 13000, 13001, 13304, 13350, 13385.)
2. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 C.F.R. § 122.41(a)(1).)

B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order. (40 C.F.R. § 122.41(c).)

C. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 C.F.R. § 122.41(d).)

D. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order. (40 C.F.R. § 122.41(e).)

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 C.F.R. § 122.41(g).)
2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 C.F.R. § 122.5(c).)

F. Inspection and Entry

The Discharger shall allow the Central Coast Water Board, State Water Board, United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other

documents, as may be required by law, to (33 U.S.C. § 1318(a)(4)(B); 40 CFR § 122.41(i); Wat. Code, § 13383):

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (33 U.S.C. § 1318(a)(4)(B)(i); 40 CFR § 122.41(i)(1); Wat. Code, § 13383);
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (33 U.S.C. § 1318(a)(4)(B)(ii); 40 CFR § 122.41(i)(2); Wat. Code, § 13383);
3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order (33 U.S.C. § 1318(a)(4)(B)(ii); 40 CFR § 122.41(i)(3); Wat. Code, § 13383); and
4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the California Water Code, any substances or parameters at any location. (33 U.S.C. § 1318(a)(4)(B); 40 CFR § 122.41(i)(4); Wat. Code, § 13383.)

G. Bypass

1. Definitions

- a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. (40 C.F.R. § 122.41(m)(1)(i).)
- b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 C.F.R. § 122.41(m)(1)(ii).)

2. Bypass not exceeding limitations. The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3, I.G.4, and I.G.5 below. (40 C.F.R. § 122.41(m)(2).)

3. Prohibition of bypass. Bypass is prohibited, and the Central Coast Water Board may take enforcement action against a Discharger for bypass, unless (40 C.F.R. § 122.41(m)(4)(i)):

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 C.F.R. § 122.41(m)(4)(i)(A));
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance (40 C.F.R. § 122.41(m)(4)(i)(B)); and
- c. The Discharger submitted notice to the Central Coast Water Board as required under Standard Provisions – Permit Compliance I.G.5 below. (40 C.F.R. § 122.41(m)(4)(i)(C).)

4. The Central Coast Water Board may approve an anticipated bypass, after considering its adverse effects, if the Central Coast Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above. (40 C.F.R. § 122.41(m)(4)(ii).)
5. Notice
 - a. Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass. (40 C.F.R. § 122.41(m)(3)(i).)
 - b. Unanticipated bypass. The Discharger shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below (24-hour notice). (40 C.F.R. § 122.41(m)(3)(ii).)

H. Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 C.F.R. § 122.41(n)(1).)

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 C.F.R. § 122.41(n)(2).)
2. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 C.F.R. § 122.41(n)(3)):
 - a. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 C.F.R. § 122.41(n)(3)(i));
 - b. The permitted facility was, at the time, being properly operated (40 C.F.R. § 122.41(n)(3)(ii));
 - c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b below (24-hour notice) (40 C.F.R. § 122.41(n)(3)(iii)); and
 - d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above. (40 C.F.R. § 122.41(n)(3)(iv).)
3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 C.F.R. § 122.41(n)(4).)

II. STANDARD PROVISIONS – PERMIT ACTION

A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition. (40 C.F.R. § 122.41(f).)

B. Duty to Reapply

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit. (40 C.F.R. § 122.41(b).)

C. Transfers

This Order is not transferable to any person except after notice to the Central Coast Water Board. The Central Coast Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the California Water Code. (40 C.F.R. § 122.41(l)(3); § 122.61.)

III. STANDARD PROVISIONS – MONITORING

A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 C.F.R. § 122.41(j)(1).)

B. Monitoring results must be conducted according to test procedures approved under 40 CFR part 136 for the analyses of pollutants unless another method is required under 40 CFR chapter 1, subchapter N. Monitoring must be conducted according to sufficiently sensitive test methods approved under 40 CFR part 136 for the analysis of pollutants or pollutant parameters or as required under 40 CFR chapter 1, subchapter N. For the purposes of this paragraph, a method is sufficiently sensitive when:

1. The method minimum level (ML) is at or below the level of the most stringent effluent limitation established in the permit for the measured pollutant or pollutant parameter, and either the method ML is at or below the level of the most stringent applicable water quality criterion for the measured pollutant or pollutant parameter or the method ML is above the applicable water quality criterion but the amount of the pollutant or pollutant parameter in the facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or
2. The method has the lowest ML of the analytical methods approved under 40 CFR part 136 or required under 40 CFR chapter 1, subchapter N for the measured pollutant or pollutant parameter.

In the case of pollutants or pollutant parameters for which there are no approved methods under 40 CFR part 136 or otherwise required under 40 CFR chapter 1, subchapter N, monitoring must be conducted according to a test procedure specified in this Order for such pollutants or pollutant parameters. (40 CFR §§ 122.21(e)(3), 122.41(j)(4), 122.44(i)(1)(iv).)

IV. STANDARD PROVISIONS – RECORDS

- A. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Central Coast Water Board Executive Officer at any time. (40 C.F.R. § 122.41(j)(2).)
- B. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements (40 C.F.R. § 122.41(j)(3)(i));
 2. The individual(s) who performed the sampling or measurements (40 C.F.R. § 122.41(j)(3)(ii));
 3. The date(s) analyses were performed (40 C.F.R. § 122.41(j)(3)(iii));
 4. The individual(s) who performed the analyses (40 C.F.R. § 122.41(j)(3)(iv));
 5. The analytical techniques or methods used (40 C.F.R. § 122.41(j)(3)(v)); and
 6. The results of such analyses. (40 C.F.R. § 122.41(j)(3)(vi).)
- C. Claims of confidentiality for the following information will be denied (40 C.F.R. § 122.7(b)):
1. The name and address of any permit applicant or Discharger (40 C.F.R. § 122.7(b)(1)); and
 2. Permit applications and attachments, permits and effluent data. (40 C.F.R. § 122.7(b)(2).)

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

The Discharger shall furnish to the Central Coast Water Board, State Water Board, or USEPA and MBNMS¹ within a reasonable time, any information which the Central Coast Water Board, State Water Board, or USEPA and MBNMS¹ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Central Coast Water Board, State Water Board, or USEPA and MBNMS¹ copies of records required to be kept by this Order. (40 C.F.R. § 122.41(h); Wat. Code, § 13383.)

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Central Coast Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, V.B.5, and V.B.6 below. (40 C.F.R. § 122.41(k).)
2. For a corporation, all permit applications shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating

¹ For discharges within MBNMS boundaries.

facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. (40 CFR § 122.22(a)(1).)

- a. For a partnership or sole proprietorship, all permit applications shall be signed by a general partner or the proprietor, respectively. (40 CFR § 122.22(a)(2).)
 - b. For a municipality, state, federal, or other public agency, all permit applications shall be signed by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of U.S. EPA). (40 CFR § 122.22(a)(3).)
3. All reports required by this Order and other information requested by the Central Coast Water Board, State Water Board, or USEPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- a. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above (40 C.F.R. § 122.22(b)(1));
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 C.F.R. § 122.22(b)(2)); and
 - c. The written authorization is submitted to the Central Coast Water Board and State Water Board. (40 C.F.R. § 122.22(b)(3).)
4. If an authorization under Standard Provisions – Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting V.B.3 above must be submitted to the Central Coast Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 C.F.R. § 122.22(c).)
5. Any person signing a document under Standard Provisions – Reporting V.B.2 or V.B.3 above shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting

false information, including the possibility of fine and imprisonment for knowing violations.” (40 C.F.R. § 122.22(d).)

6. Any person providing the electronic signature for documents described in Standard Provisions – V.B.1, V.B.2, or V.B.3 that are submitted electronically shall meet all relevant requirements of Standard Provisions – Reporting V.B, and shall ensure that all relevant requirements of 40 C.F.R. part 3 (Cross-Media Electronic Reporting) and 40 C.F.R. part 127 (NPDES Electronic Reporting Requirements) are met for that submission. (40 C.F.R § 122.22(e).)

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order. (40 C.F.R. § 122.41(l)(4).)²
2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Central Coast Water Board or State Water Board for reporting results of monitoring, sludge use, or disposal practices. As of December 21, 2016, all reports and forms must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting V.J and comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(l)(4)(i).)
3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 C.F.R. part 136, or another method required for an industry-specific waste stream under 40 C.F.R. chapter 1, subchapters N or O, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Central Coast Water Board. (40 C.F.R. § 122.41(l)(4)(ii).)
4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order. (40 C.F.R. § 122.41(l)(4)(iii).)

D. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date. (40 C.F.R. § 122.41(l)(5).)

E. Twenty-Four Hour Reporting

1. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided to the Central Coast Water Board permitting staff orally within 24 hours from the time the Discharger becomes aware of the circumstances. For a discharge or threat of discharge into MBNMS contact the 24 hour emergency number at 1-831-236-6797. A report shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

² All monitoring and reporting information must also be submitted to MBNMS for discharges within sanctuary boundaries.

For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (i.e., combined sewer overflow, sanitary sewer overflow, or bypass event), type of overflow structure (e.g., manhole, combined sewer overflow outfall), discharge volume untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the event, and whether the noncompliance was related to wet weather.

As of December 21, 2020, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events must be submitted to the Central Coast Water Board and must be submitted electronically to the initial recipient defined in Standard Provisions - Reporting V.J. The reports shall comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. The Central Coast Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (40 C.F.R. § 122.41(l)(6)(i).)

2. The following shall be included as information that must be reported within 24 hours under this paragraph (40 C.F.R. § 122.41(l)(6)(ii)):
 - a. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(A).)
 - b. Any upset that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(B).)
3. The Central Coast Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours. (40 C.F.R. § 122.41(l)(6)(iii).)

F. Planned Changes

The Discharger shall give notice to the Central Coast Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when (40 C.F.R. § 122.41(l)(1)):

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in section 122.29(b) (40 C.F.R. § 122.41(l)(1)(i)); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Order. (40 C.F.R. § 122.41(l)(1)(ii).)
3. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 C.F.R. § 122.41(l)(1)(iii).)

G. Anticipated Noncompliance

The Discharger shall give advance notice to the Central Coast Water Board or State Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements. (40 C.F.R. § 122.41(l)(2).)

H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting V.C, V.D, and V.E above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E above. (40 C.F.R. § 122.41(l)(7).)

I. Other Information

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Central Coast Water Board, State Water Board, or USEPA, the Discharger shall promptly submit such facts or information. (40 C.F.R. § 122.41(l)(8).)

J. Initial Recipient for Electronic Reporting Data

The owner, operator, or the duly authorized representative is required to electronically submit NPDES information specified in appendix A to 40 C.F.R. part 127 to the initial recipient defined in 40 C.F.R. section 127.2(b). USEPA will identify and publish the list of initial recipients on its website and in the Federal Register, by state and by NPDES data group [see 40 C.F. R. section 127.2(c)]. USEPA will update and maintain this listing. (40 C.F.R. § 122.41(1)(9).)

VI. STANDARD PROVISIONS – ENFORCEMENT

- A. The Central Coast Water Board is authorized to enforce the terms of this permit under several provisions of the California Water Code, including, but not limited to, sections 13268, 13385, 13386, and 13387.

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Publicly Owned Treatment Works (POTWs)

All POTWs shall provide adequate notice to the Central Coast Water Board of the following (40 C.F.R. § 122.42(b)):

1. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to sections 301 or 306 of the CWA if it were directly discharging those pollutants (40 C.F.R. § 122.42(b)(1)); and
2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of the Order. (40 C.F.R. § 122.42(b)(2).)
3. Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW. (40 C.F.R. § 122.42(b)(3).)

VIII. CENTRAL COAST WATER BOARD STANDARD PROVISIONS

A. Central Coast Standard Provisions – Prohibitions

1. Introduction of "incompatible wastes" to the treatment system is prohibited.

2. Discharge of high-level radiological waste and of radiological, chemical, and biological warfare agents is prohibited.
3. Discharge of "toxic pollutants" in violation of effluent standards and prohibitions established under §307(a) of the Clean Water Act (CWA) is prohibited.
4. Discharge of sludge, sludge digester or thickener supernatant, and sludge drying bed leachate to drainageways, surface waters, or the ocean is prohibited.
5. Introduction of pollutants into the collection, treatment, or disposal system by an "indirect discharger" that:
 - a. Inhibit or disrupt the treatment process, system operation, or the eventual use or disposal of sludge; or
 - b. Flow through the system to the receiving water untreated; and
 - c. Cause or "significantly contribute" to a violation of any requirement of this Order, is prohibited.
6. Introduction of "pollutant free" wastewater to the collection, treatment, and disposal system in amounts that threaten compliance with this order is prohibited.

B. Central Coast Standard Provisions – Provisions

1. Collection, treatment, and discharge of waste shall not create nuisance or pollution, as defined by California Water Code (CWC) §13050.
2. All facilities used for transport or treatment of wastes shall be adequately protected from inundation and washout as the result of a 100-year frequency flood.
3. Operation of collection, treatment, and disposal systems shall be in a manner that precludes public contact with wastewater.
4. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a manner approved by the Executive Officer.
5. Wastewater treatment plants shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to Title 23 of the California Code of Regulations.
6. After notice and opportunity for a hearing, this order may be terminated for cause, including, but not limited to:
 - a. violation of any term or condition contained in this order.
 - b. obtaining this order by misrepresentation, or by failure to disclose fully all relevant facts.
 - c. a change in any condition or endangerment to human health or environment that requires a temporary or permanent reduction or elimination of the authorized discharge.
 - d. a substantial change in character, location, or volume of the discharge.
7. Provisions of this permit are severable. If any provision of the permit is found invalid, the remainder of the permit shall not be affected.

8. After notice and opportunity for hearing, this order may be modified or revoked and reissued for cause, including:
 - a. Promulgation of a new or revised effluent standard or limitation.
 - b. A material change in character, location, or volume of the discharge.
 - c. Access to new information that affects the terms of the permit, including applicable schedules.
 - d. Correction of technical mistakes or mistaken interpretations of law.
 - e. Other causes set forth under Sub-part D of 40 CFR Part 122.
9. Safeguards shall be provided to ensure maximal compliance with all terms and conditions of this permit. Safeguards shall include preventative and contingency plans and may also include alternative power sources, stand-by generators, retention capacity, operating procedures, or other precautions. Preventative and contingency plans for controlling and minimizing the effect of accidental discharges shall:
 - a. identify possible situations that could cause "upset," "overflow," "bypass," or other noncompliance. (Loading and storage areas, power outage, waste treatment unit outage, and failure of process equipment, tanks and pipes should be considered.)
 - b. evaluate the effectiveness of present facilities and procedures and describe procedures and steps to minimize or correct any adverse environmental impact resulting from noncompliance with the permit.
10. Physical facilities shall be designed and constructed according to accepted engineering practice and shall be capable of full compliance with this order when properly operated and maintained. Proper operation and maintenance shall be described in an Operation and Maintenance Manual. Facilities shall be accessible during the wet-weather season.
11. The discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the discharger to achieve compliance with the conditions of this order. Electrical and mechanical equipment shall be maintained in accordance with appropriate practices and standards, such as NFPA 70B, *Recommended Practice for Electrical Equipment Maintenance*; NFPA 70E, *Standard for Electrical Safety in the Workplace*; ANSI/NETA MTS *Standard for Maintenance: Testing Specifications for Electrical Power Equipment and Systems*, or procedures established by insurance companies or other industry resources.
12. If the discharger's facilities are equipped with SCADA or other systems that implement wireless, remote operation, the discharger should implement appropriate safeguards against unauthorized access to the wireless systems. Standards such as NIST SP 800-53, *Recommended Security Controls for Federal Information Systems*, can provide guidance.
13. Production and use of recycled water is subject to the approval of the Central Coast Water Board. Production and use of recycled water shall be in conformance with reclamation criteria established in Chapter 3, Title 22, of the California Code of Regulations and Chapter 7, Division 7, of the California Water Code. An engineering report pursuant to section 60323, Title 22, of the California Code of Regulations is required and a waiver or water reclamation requirements from the Central Coast Water Board is required before reclaimed water is

supplied for any use, or to any user, not specifically identified and approved either in this Order or another order issued by this Board.

C. Central Coast Standard Provisions – General Monitoring Requirements

1. If results of monitoring a pollutant appear to violate effluent limitations based on a weekly, monthly, 30-day, or six-month period, but compliance or non-compliance cannot be validated because sampling is too infrequent, the frequency of sampling shall be increased to validate the test within the next monitoring period. The increased frequency shall be maintained until the Executive Officer agrees the original monitoring frequency may be resumed.

For example, if copper is monitored annually and results exceed the six-month median numerical effluent limitation in the permit, monitoring of copper must be increased to a frequency of at least once every two months (Central Coast Standard Provisions – Definitions I.G.13.). If suspended solids are monitored weekly and results exceed the weekly average numerical limit in the permit, monitoring of suspended solids must be increased to at least four (4) samples every week (Central Coast Standard Provisions – Definitions I.G.14.).

2. Water quality analyses performed in order to monitor compliance with this permit shall be by a laboratory certified by the State Department of Public Health (DPH) for the constituents being analyzed. Bioassays performed to monitor compliance with this permit shall be in accord with guidelines approved by the State Water Resources Control Board (State Water Board) and the State Department of Fish and Wildlife.
3. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Samples shall be taken during periods of peak loading conditions. Influent samples shall be samples collected from the combined flows of all incoming wastes, excluding recycled wastes. Effluent samples shall be samples collected downstream of the last treatment unit and tributary flow and upstream of any mixing with receiving waters.
4. All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy.

D. Central Coast Standard Provisions – General Reporting Requirements

1. Reports of marine monitoring surveys conducted to meet receiving water monitoring requirements of the Monitoring and Reporting Program shall include at least the following information:
 - a. A description of climatic and receiving water characteristics at the time of sampling (weather observations, floating debris, discoloration, wind speed and direction, swell or wave action, time of sampling, tide height, etc.).
 - b. A description of sampling stations, including differences unique to each station (e.g., station location, grain size, rocks, shell litter, calcareous worm tubes, evident life, etc.).
 - c. A description of the sampling procedures and preservation sequence used in the survey.
 - d. A description of the exact method used for laboratory analysis. In general, analysis shall be conducted according to Central Coast Standard Provisions – C.1 above, and Federal Standard Provision – Monitoring III.B. However, variations in procedure are acceptable

to accommodate the special requirements of sediment analysis. All such variations must be reported with the test results.

- e. A brief discussion of the results of the survey. The discussion shall compare data from the control station with data from the outfall stations. All tabulations and computations shall be explained.
2. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule shall be submitted within 14 days following each scheduled date unless otherwise specified within the permit. If reporting noncompliance, the report shall include a description of the reason, a description and schedule of tasks necessary to achieve compliance, and an estimated date for achieving full compliance. A second report shall be submitted within 14 days of full compliance.
3. The "Discharger" shall file a report of waste discharge at least 180 days before making any material change or proposed change in the character, location, or plume of the discharge.
4. Within 120 days after the discharger discovers, or is notified by the Central Coast Water Board, that monthly average daily flow will or may reach design capacity of waste treatment and/or disposal facilities within four (4) years, the discharger shall file a written report with the Central Coast Water Board. The report shall include:
 - a. the best estimate of when the monthly average daily dry weather flow rate will equal or exceed design capacity.
 - b. a schedule for studies, design, and other steps needed to provide additional capacity for waste treatment and/or disposal facilities before the waste flow rate equals the capacity of present units.

In addition to complying with Federal Standard Provision – Reporting V.B., the required technical report shall be prepared with public participation and reviewed, approved and jointly submitted by all planning and building departments having jurisdiction in the area served by the waste collection, treatment, or disposal facilities.

5. All "Dischargers" shall submit reports electronically in Adobe Acrobat file format (.pdf) to the Central Coast Water Board via email to centralcoast@waterboards.ca.gov, unless otherwise directed by Central Coast Water Board staff.

In addition, "Dischargers" with designated major discharges shall submit a copy of each document to:

Regional Administrator
USEPA, Region 9
Attention: CWA Standards and Permits Office (WTR-5)
75 Hawthorne Street
San Francisco, California 94105

6. Transfer of control or ownership of a waste discharge facility must be preceded by a notice to the Central Coast Water Board at least 30 days in advance of the proposed transfer date. The notice must include a written agreement between the existing "Discharger" and proposed "Discharger" containing a specific date for transfer of responsibility, coverage, and liability between them. Whether a permit may be transferred without modification or revocation and reissuance is at the discretion of the Board. If permit modification or revocation and

reissuance is necessary, transfer may be delayed 180 days after the Central Coast Water Board's receipt of a complete permit application. Please also see Federal Standard Provision – Permit Action II.C.

7. Except for data determined to be confidential under CWA §308 (excludes effluent data and permit applications), all reports prepared in accordance with this permit shall be available for public inspection at the office of the Central Coast Water Board or Regional Administrator of USEPA. Please also see Federal Standard Provision – Records IV.C.
8. By **February 1st**, the discharger shall submit an annual report for the prior calendar year to the Central Coast Water Board. The report shall contain the following:
 - a. Both tabular and graphical summaries of the monitoring data obtained during the previous year.
 - b. A discussion of the previous year's compliance record and corrective actions taken, or which may be needed, to bring the discharger into full compliance.
 - c. An evaluation of wastewater flows with projected flow rate increases over time and the estimated date when flows will reach facility capacity.
 - d. A discussion of operator certification and a list of current operating personnel and their grades of certification.
 - e. The date of the facility's Operation and Maintenance Manual (including contingency plans as described in Provision B.9), the date the manual was last reviewed, and whether the manual is complete and valid for the current facility.
 - f. A discussion of the laboratories used by the discharger to monitor compliance with effluent limits and a summary of performance relative to Section X.C, General Monitoring Requirements.
 - g. If the facility treats industrial or domestic wastewater and there is no provision for periodic sludge monitoring in the Monitoring and Reporting Program, the report shall include a summary of sludge quantities, analyses of its chemical and moisture content, and its ultimate destination.
 - h. If appropriate, the report shall also evaluate the effectiveness of the local source control or pretreatment program using the State Water Resources Control Board's "Guidelines for Determining the Effectiveness of Local Pretreatment Program."

E. Central Coast Standard Provisions – General Pretreatment Provisions

1. Discharge of pollutants by "indirect dischargers" in specific industrial sub-categories (appendix C, 40 CFR Part 403), where categorical pretreatment standards have been established, or are to be established, (according to 40 CFR Chapter 1, Subchapter N), shall comply with the appropriate pretreatment standards by the date specified therein or, if a new indirect discharger, upon commencement of discharge.

F. Central Coast Standard Provisions – Enforcement

1. Any person failing to file a report of waste discharge or other report as required by this permit shall be subject to a civil penalty not to exceed \$25,000 per day.

2. Upon reduction, loss, or failure of the treatment facility, the "Discharger" shall, to the extent necessary to maintain compliance with this permit, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided.

G. Central Coast Standard Provisions – Definitions

(Not otherwise included in Attachment A to this Order)

1. A "composite sample" is a combination of no fewer than eight individual samples obtained at equal time intervals (usually hourly) over the specified sampling (composite) period. The volume of each individual sample is proportional to the flow rate at the time of sampling. The period shall be specified in the Monitoring and Reporting Program ordered by the Executive Officer.
2. "Daily Maximum" limit means the maximum acceptable concentration or mass emission rate of a pollutant measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling. It is normally compared with results based on "composite samples" except for ammonia, total chlorine, phenolic compounds, and toxicity concentration. For all exceptions, comparisons will be made with results from a "grab sample."
3. "Discharger," as used herein, means, as appropriate: (1) the Discharger, (2) the local sewerage entity (when the collection system is not owned and operated by the Discharger), or (3) "indirect discharger" (where "Discharger" appears in the same paragraph as "indirect discharger," it refers to the discharger.)
4. "Duly Authorized Representative" is one where:
 - a. the authorization is made in writing by a person described in the signatory paragraph of Federal Standard Provision V.B.;
 - b. the authorization specifies either an individual or the occupant of a position having either responsibility for the overall operation of the regulated facility, such as the plant manager, or overall responsibility for environmental matters of the company; and,
 - c. the written authorization was submitted to the Central Coast Water Board.
5. A "grab sample" is defined as any individual sample collected in less than 15 minutes. "Grab samples" shall be collected during peak loading conditions, which may or may not be during hydraulic peaks. It is used primarily in determining compliance with the daily maximum limits identified in Central Coast Standard Provision – Provision G.2. and instantaneous maximum limits.
6. "Hazardous substance" means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.
7. "Incompatible wastes" are:
 - a. Wastes that create a fire or explosion hazard in the treatment works.
 - b. Wastes that will cause corrosive structural damage to treatment works or wastes with a pH lower than 5.0 unless the works is specifically designed to accommodate such wastes.

- c. Solid or viscous wastes in amounts that cause obstruction to flow in sewers or that cause other interference with proper operation of treatment works.
 - d. Any waste, including oxygen-demanding pollutants (BOD, etc), released in such volume or strength as to cause inhibition or disruption in the treatment works and subsequent treatment process upset and loss of treatment efficiency.
 - e. Heat in amounts that inhibit or disrupt biological activity in the treatment works or that raise influent temperatures above 40°C (104°F) unless the treatment works is designed to accommodate such heat.
8. "Indirect Discharger" means a non-domestic discharger introducing pollutants into a publicly owned treatment and disposal system.
9. "Log Mean" is the geometric mean. Used for determining compliance of fecal or total coliform populations, it is calculated with the following equation:

$$\text{Log Mean} = (C_1 \times C_2 \times \dots \times C_n)^{1/n},$$

in which "n" is the number of days samples were analyzed during the period and any "C" is the concentration of bacteria (MPN/100 ml) found on each day of sampling. "n" should be five or more.

10. "Mass emission rate" is a daily rate defined by the following equations:

$$\text{mass emission rate (lbs/day)} = 8.34 \times Q \times C; \text{ and,}$$

$$\text{mass emission rate (kg/day)} = 3.79 \times Q \times C,$$

where "C" (in mg/L) is the measured daily constituent concentration or the average of measured daily constituent concentrations and "Q" (in MGD) is the measured daily flowrate or the average of measured daily flowrates over the period of interest.

11. The "Maximum Allowable Mass Emission Rate," whether for a month, week, day, or six-month period, is a daily rate determined with the formulas in paragraph G.10, above, using the effluent concentration limit specified in the permit for the period and the average of measured daily flows (up to the allowable flow) over the period.
12. "Maximum Allowable Six-Month Median Mass Emission Rate" is a daily rate determined with the formulas in Central Coast Standard Provision – Provision G.10, above, using the "six-month median" effluent limit specified in the permit, and the average of measured daily flows (up to the allowable flow) over a 180-day period.
13. "Median" is the value below which half the samples (ranked progressively by increasing value) fall. It may be considered the middle value, or the average of two middle values.
14. "Monthly Average" (or "Weekly Average," as the case may be) is the arithmetic mean of daily concentrations or of daily mass emission rates over the specified 30-day (or 7-day) period.

$$\text{Average} = (X_1 + X_2 + \dots + X_n) / n$$

in which "n" is the number of days that samples were analyzed during the period and "X" is either the constituent concentration (mg/L) or mass emission rate (kg/day or lbs/day) for each sampled day. "n" should be four or greater.

15. "Municipality" means a city, town, borough, county, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial waste, or other waste.
16. "Overflow" means the intentional or unintentional diversion of flow from the collection and transport systems, including pumping facilities.
17. "Pollutant-free wastewater" means inflow and infiltration, stormwaters, and cooling waters and condensates which are essentially free of pollutants.
18. "Primary Industry Category" means any industry category listed in 40 CFR Part 122, Appendix A.
19. "Removal Efficiency" is the ratio of pollutants removed by the treatment unit to pollutants entering the treatment unit. Removal efficiencies of a treatment plant shall be determined using "Monthly averages" of pollutant concentrations (C, in mg/L) of influent and effluent samples collected about the same time and the following equation (or its equivalent):

$$C_{\text{Effluent}} \text{ Removal Efficiency (\%)} = 100 \times (1 - C_{\text{effluent}} / C_{\text{influent}})$$

20. "Severe property damage" means substantial physical damage to property, damage to treatment facilities that causes them to become inoperable, or substantial and permanent loss to natural resources that can reasonably be expected to occur in the absence of a "bypass." It does not mean economic loss caused by delays in production.
21. "Sludge" means the solids, residues, and precipitates separated from, or created in, wastewater by the unit processes of a treatment system.
22. To "significantly contribute" to a permit violation means an "indirect discharger" must:
 - a. Discharge a daily pollutant loading in excess of that allowed by contract with the "Discharger" or by federal, state, or local law;
 - b. Discharge wastewater which substantially differs in nature or constituents from its average discharge;
 - c. Discharge pollutants, either alone or in conjunction with discharges from other sources, that results in a permit violation or prevents sewage sludge use or disposal; or
 - d. Discharge pollutants, either alone or in conjunction with pollutants from other sources, that increase the magnitude or duration of permit violations.
23. "Toxic Pollutant" means any pollutant listed as toxic under Section 307 (a) (1) of the Clean Water Act or under 40 CFR Part 122, Appendix D. Violation of maximum daily discharge limitations are subject to 24-hour reporting (Federal Standard Provisions V.E.).
24. "Zone of Initial Dilution" means the region surrounding or adjacent to the end of an outfall pipe or diffuser ports whose boundaries are defined through calculation of a plume model verified by the State Water Board.

ATTACHMENT E – MONITORING AND REPORTING PROGRAM

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ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

NPDES regulations at 40 CFR § 122.48 require that all NPDES permits specify monitoring and reporting requirements. California Water Code section 13383 also authorizes the Central Coast Water Board to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements, which implement the federal and California regulations.

Dischargers regulated under General NPDES Permit No. CAG993001 shall be subject to the following requirements. **More-frequent monitoring or reporting may be added by the Executive Officer if needed to adequately ensure compliance with the General Permit. This Monitoring and Reporting Program (MRP No. R3-2017-0042) may be revised to require more-frequent monitoring or reporting, as necessary, by the Executive Officer.**

I. GENERAL MONITORING PROVISIONS

- A. Laboratories analyzing monitoring samples shall be certified by the California Department of Public Health, in accordance with California Water Code section 13176, and must include quality assurance/quality control data with their reports.
- B. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring locations specified below and, unless otherwise specified, before the monitored flow joins or is diluted by any other waste stream, body of water, or substance. Monitoring locations shall not be changed without notification to and approval of the Central Coast Water Board.
- C. Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than ± 10 percent from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration, and operation of acceptable flow measurement devices can be obtained from the following references.
 - 1. A Guide to Methods and Standards for the Measurement of Water Flow, U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 421, May 1975, 96 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by SD Catalog No. C13.10:421.)
 - 2. Water Measurement Manual, U.S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. (Available from the U.S. Government Printing Office, Washington D.C. 20402. Order by Catalog No. 172.19/2:W29/2, Stock No. S/N 24003-0027.)
 - 3. Flow Measurement in Open Channels and Closed Conduits, U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Services (NTIS) Springfield, VA 22151. Order by NTIS No. PB-273 535/5ST.)
 - 4. NPDES Compliance Sampling Manual, U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-51, 1977, 140 pp. (Available from the General Services Administration (8FFS), Centralized Mailing Lists Services, Building 41, Denver Federal Center, CO 80225.)

- D. All monitoring instruments and devices used by authorized dischargers to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year to ensure continued accuracy of the devices.
- E. Monitoring results, including noncompliance, shall be reported at intervals and in a manner specified in this MRP.
- F. Unless otherwise specified by this MRP, all monitoring shall be conducted according to test procedures established at 40 CFR part 136, *Guidelines Establishing Test Procedures for Analysis of Pollutants*. All analyses shall be conducted using the lowest practical quantitation limit achievable using the specified methodology. Where effluent limitations are set below the lowest achievable quantitation limits, pollutants not detected at the lowest practical quantitation limits will be considered in compliance with effluent limitations. Analyses for toxics listed in Table 1 of the California Ocean Plan (2015) shall adhere to guidance and requirements contained in that document.
- G. Monitoring and sampling periods are defined as follows unless otherwise specified in this MRP:
1. **Daily:** Midnight through 11:59 PM, or any 24-hour period that reasonably represents a calendar day for purposes of sampling.
 2. **Weekly:** Sunday through Saturday (*Note: For weekly monitoring and sampling periods that start in one monthly reporting period but end in the next, the Discharger may report the weekly data in the monthly monitoring report containing the last day of the weekly period.*)
 3. **Monthly:** 1st day of calendar month through last day of calendar month
 4. **Quarterly:** First Quarter: January 1st through March 31st
Second Quarter: April 1st through June 30th
Third Quarter: July 1st through September 30th
Fourth Quarter: October 1st through December 31st
 5. **Semi-Annually:** First Half: January 1st through June 30th
Second half: July 1st through December 31st
 6. **Annually:** January 1st through December 31st

II. MONITORING LOCATIONS

Dischargers shall establish the following monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in this Order.

Table E-1. Monitoring Station Locations

Monitoring Location Name	Monitoring Location Description
INF-001	Source water, prior to any physical or chemical adjustment, treatment, or other alteration, and prior to contact with aquatic organisms.
INF-002	Source water monitoring stations shall be established for each significant water source (e.g., seawater, fresh water, municipal supply) and shall be named INF-001, INF-002, INF-003, etc..
EFF-001	Location where a representative sample of the discharge can be obtained following all wastewater treatment steps and before contact with the receiving water.
EFF-002	Effluent monitoring stations shall be established for each discreet point of discharge and shall be named EFF-001, EFF-002, EFF-003, etc.
RSW-001	100 feet upcoast or upstream from the point of discharge.
RSW-002	100 feet downcoast or downstream from the point of discharge.

III. INFLUENT MONITORING REQUIREMENTS – MONITORING LOCATIONS INF-001, INF-002, ETC.

Dischargers shall monitor source water to the facility at Monitoring Locations INF-001, INF-002, etc. in accordance with the following schedule.

Table E-2. Influent Monitoring

Parameter	Units	Sample Type	Minimum Frequency	Sampling
Total Suspended Solids (TSS)	mg/L	Grab	Concurrently with effluent samples monitored for the same parameters	
pH	s.u.	Grab		
Turbidity	NTUs	Grab		
Temperature	° F	Grab		

IV. EFFLUENT MONITORING REQUIREMENTS – MONITORING LOCATIONS EFF-001, EFF-002, ETC

Dischargers shall monitor effluent at each point of discharge (Monitoring Locations EFF-001, EFF-002, etc.) in accordance with the following schedule.

Table E-3. Effluent Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency
Total Flow	MGD	Metered or Estimated	Weekly
Settleable Solids	mL/L/hr	Grab	Quarterly
TSS	mg/L	Grab	Quarterly
Turbidity	NTUs	Grab	Quarterly
pH	pH units	Grab	Quarterly
Temperature	° F	Grab	Quarterly
Oil and Grease	mg/L	Grab	Quarterly
Chronic Toxicity	TUc	Grab	As directed by the Executive Officer ^[1] ^[3]
Ocean Plan Table 1 Pollutants, for ocean discharges only ^[2]	µg/L	24-hr composite	Once per permit term ^[3]
CTR Pollutants, for inland surface waters discharges only ^[4]	µg/L	24-hr composite	Once per permit term ^[3]
Title 22 Pollutants, for inland surface waters discharges only ^[5]	µg/L	24-hr composite	Once per permit term ^[3]

^[1] Whole effluent chronic toxicity monitoring shall be conducted according to the requirements established in section V. of this Monitoring and Reporting Program.

^[2] Those pollutants identified in Table 1 of the Ocean Plan (2015). Analyses, compliance determination, and reporting for these pollutants shall adhere to applicable provisions of the Ocean Plan, including the Standard Monitoring Procedures presented in Appendix III of the Ocean Plan. The Discharger shall instruct its analytical laboratory to establish calibration standards so that the Minimum Levels (MLs) presented in Appendix II of the Ocean Plan are the lowest calibration standards. The Discharger and its analytical laboratory shall select MLs, which are below applicable water quality criteria of Table 1; and when applicable water quality criteria are below all MLs, the Discharger and its analytical laboratory shall select the lowest ML.

^[3] To be conducted during use of drugs, disinfectants, or other chemicals in order to obtain representative samples of discharge during chemical use.

^[4] Those 126 pollutants with applicable water quality objectives established by the California Toxics Rule (CTR) at 40 C.F.R. 131.38. Analyses, compliance determination, and reporting for these pollutants shall adhere to applicable provisions of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP). The Discharger shall instruct its analytical laboratory to establish calibration standards so that the Minimum Levels (MLs) presented in Appendix 4 of the SIP are the lowest calibration standards. The Discharger and its analytical laboratory shall select MLs which are below applicable water quality criteria of the CTR; and when applicable water quality criteria are below all MLs, the Discharger and its analytical laboratory shall select the lowest ML.

^[5] Analytical methods shall adhere to the Detection Limits for Purposes of Reporting (DLRs) established by Title 22 of the California Code of Regulations (CCR), division 4, chapter 15, section 64432 (inorganics) and section 64445.1 (organics). The Title 22 pollutants are those pollutants for which the Department of Public Health has established Maximum Contaminant Levels (MCLs) at Title 22, division 4, chapter 15, sections 64431 (inorganic chemicals) and 64444 (organic chemicals) of the CCR. Where these pollutants are included in other groups of pollutants (CTR Priority Pollutants), monitoring does not need to be duplicated.

V. WHOLE EFFLUENT CHRONIC TOXICITY TESTING REQUIREMENTS

Based on reported chemical usage or other characterization of an authorized discharge or based on receiving water monitoring or any other relevant and available information, the Executive Officer may make a determination that an authorized discharge has a reasonable potential to cause or contribute to an exceedance of an applicable water quality criterion, including applicable water quality objectives for chronic toxicity, established by the Basin Plan or Ocean Plan. In such circumstances, the Executive Officer shall require a discharger to perform whole effluent chronic toxicity monitoring of the discharge. Dischargers shall perform whole effluent chronic toxicity monitoring, as described below, as directed by the Executive Officer.

Chronic toxicity measures a sub lethal effect (e.g., reduced growth or reproduction) to experimental test organisms exposed to an effluent compared to that of control organisms. The no observed effect concentration (NOEC) is the maximum tested concentration in a medium which does not cause known adverse effects upon chronic exposure in the species in question (i.e., the highest effluent concentration to which organisms are exposed in a chronic test that causes no observable adverse effects on the test organisms; or, the highest concentration of a toxicant to which the values for the observed responses are not statistically significantly different from the controls). Examples of chronic toxicity include but are not limited to measurements of toxicant effects on reproduction, growth, and sublethal effects that can include behavioral, physiological, and biochemical effects. Test results shall be reported in TUc, where $TUc = 100/NOEC$. For discharges authorized under the General Permit, the presence of chronic toxicity at more than 1 TUc shall trigger the Toxicity Reduction Evaluation requirements established by section VI.C.2 of the Order.

A. Discharges to Ocean Waters

The presence of chronic toxicity shall be estimated as specified in *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms*, EPA-821/600/R-95/136; *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms*, EPA-600-4-91-003; *Procedures Manual for Conducting Toxicity Tests* developed by the Marine Bioassay Project, SWRCB 1996, 96-1WQ; and/or *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms*, EPA/600/4-87-028 or subsequent editions.

Test species shall include a vertebrate, an invertebrate, and an aquatic plant. If additional testing is required or necessary after testing with three species, that subsequent monitoring may be conducted with the most sensitive species. Three species screening phase chronic toxicity monitoring shall be conducted with the following species and approved test protocols.

Table E-4. Approved Tests — Chronic Toxicity

Species	Test	Tier ¹	Reference ²
Giant kelp, <i>Macrocystis pyrifera</i>	percent germination; germ tube length	1	a, c
Red abalone, <i>Haliotis rufescens</i>	abnormal shell development	1	a, c
Oyster, <i>Crassostrea gigas</i> ; mussels, <i>Mytilus spp.</i>	abnormal shell development; percent survival	1	a, c
Urchin, <i>Strongylocentrotus purpuratus</i> ; sand dollar, <i>Dendraster excentricus</i>	percent normal development	1	a, c
Urchin, <i>Strongylocentrotus purpuratus</i> ; sand dollar, <i>Dendraster excentricus</i>	percent fertilization	1	a, c
Shrimp, <i>Homesimysis costata</i>	percent survival; growth	1	a, c
Shrimp, <i>Mysidopsis bahia</i>	percent survival; fecundity	2	b, d
Topsmelt, <i>Atherinops affinis</i>	larval growth rate; percent survival	1	a, c
Silverside, <i>Menidia beryllina</i>	larval growth rate; percent survival	2	b, d
¹ First tier methods are preferred for compliance monitoring. If first tier organisms are not available, the Discharger can use a second tier test method following approval by the Central Coast Water Board. ² Protocol References: a. Chapman, G.A., D.L. Denton, and J.M. Lazorchak. 1995. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms. USEPA Report No. EPA/600/R-95/136. b. Klemm, D.J., G.E. Morrison, T.J. Norberg-King, W.J. Peltier, and M.A. Heber. 1994. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Marine and Estuarine Organisms. USEPA Report No. EPA-600-4-91-003. c. SWRCB 1996. Procedures Manual for Conducting Toxicity Tests Developed by the Marine Bioassay Project. 96-1WQ. d. Weber, C.I., W.B. Horning, I.I., D.J. Klemm, T.W. Nieheisel, P.A. Lewis, E.L. Robinson, J. Menkedick and F. Kessler (eds). 1998. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms. EPA/600/4-87/028. National Information Service, Springfield, VA.			

Authorized dischargers shall conduct toxicity tests using effluent dilutions of 100%, 85%, 70%, 50%, and 25%. Dilution and control waters shall be obtained from an area of the receiving water, typically upcurrent of the effluent discharge location(s), which is unaffected by the discharge. Standard dilution water can be used, if the receiving water itself exhibits toxicity or if approved by the Central Coast Water Board. If the dilution water used in testing is different from the water in which the test organisms were cultured, a second control sample using culture water shall be tested.

If the effluent to be discharged to a marine system (e.g., salinity values in excess of 1,000 mg/L) originates, entirely or in part, from a freshwater supply, salinity of the effluent must be increased with dry ocean salts (e.g., FORTY FATHOMS®) to match salinity of the receiving water. This modified effluent shall then be tested using marine species.

The sensitivity of test organisms to a reference toxicant shall be determined concurrently with each bioassay and reported with the test results.

B. Discharges to Inland Surface Waters

The Discharger shall conduct chronic toxicity testing in accordance with the following chronic toxicity testing requirements.

1. *Toxicity Trigger.* A toxicity trigger of 1 TUC is established for the discharge of effluent at EFF-001.
2. *Sampling.* The Discharger shall collect grab samples of the effluent at EFF-001, as specified in Table E-3 above, for critical life stage toxicity testing as indicated below.
3. *Test Species.* The test species for chronic toxicity screening shall include a vertebrate, invertebrate, and an aquatic plant as identified in Table E-5 below. The Executive Officer may change the test species if data suggest that another test species is more sensitive to the discharge. After a three-month screening period, monitoring may be reduced to the most sensitive species.

Table E-5. Short-Term Methods for Estimating Chronic Toxicity – Fresh Water

Species	Scientific Name	Effect	Test Duration (days)
Fathead Minnow	<i>Pimephales promelas</i>	Larval Survival and Growth	7
Water Flea	<i>Ceriodaphnia dubia</i>	Survival; number of young	6 to 8 days
Green Alga	<i>Selenastrum capricornutum</i>	Growth Rate	4 days

4. *Methodology.* Sample collection, handling, and preservation shall be in accordance with USEPA protocols. In addition, bioassays shall be conducted in compliance with the most recently promulgated test methods, as shown in Appendix E-1 and *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms*, currently third edition (EPA-821-R-02-014) and *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, currently Fourth Edition (EPA-821-R-02-013), with exceptions granted to the Discharger by the Executive Officer and the Environmental Laboratory Accreditation Program (ELAP).
5. *Dilution Series.* The Discharger shall conduct tests at 100%, 85%, 70%, 50%, and 25%. The “%” represents percent effluent as discharged. The Discharger may use the biological buffer MOPS (3-(N-Morpholino)propanesulfonic Acid) to control pH drift and ammonia toxicity caused by increasing pH during the test.

C. Toxicity Reporting

1. The Discharger shall include a full report of whole effluent chronic toxicity test results in accordance with the monitoring report and include the following information:
 - a. toxicity test results,
 - b. dates of sample collection and initiation of each toxicity test, and
 - c. chronic toxicity discharge limitations (or “trigger” values).

2. Toxicity test results shall be reported according to the appropriate guidance - *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, Fifth Edition, USEPA Office of Water, EPA-821-R-02-012 (2002) or the latest edition, or *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, EPA-821-R-02-012 (2002) or subsequent editions.
3. If the initial investigation TRE workplan is used to determine that additional (accelerated) toxicity testing is unnecessary, these results shall be submitted with the monitoring report for the month in which investigations conducted under the TRE workplan occurred.
4. Within 14 days of receipt of test results exceeding a chronic toxicity discharge limitation, the Discharger shall provide written notification to the Executive Officer of:
 - a. Findings of the TRE or other investigation to identify the cause(s) of toxicity,
 - b. Actions the Discharger has taken/will take, to mitigate the impact of the discharge and to prevent the recurrence of toxicity, and
 - c. When corrective actions, including a TRE, have not been completed, a schedule under which corrective actions will be implemented, or the reason for not taking corrective action, if no action has been taken.

VI. LAND DISCHARGE MONITORING REQUIREMENTS

This section of the standardized permit is not applicable to the General Permit.

VII. RECLAMATION MONITORING REQUIREMENTS

This section of the standardized permit is not applicable to the General Permit.

VIII. RECEIVING WATER MONITORING REQUIREMENTS – MONITORING LOCATIONS RSW-001 AND RSW-002

Dischargers shall maintain a log and, at a frequency of at least one time per quarter, shall record visual observations of receiving water conditions at the point(s) of discharge and throughout the reach bounded by monitoring stations RSW-001 and RSW-002.

Observations shall include, but not be limited to, the presence or absence of the following conditions.

- Floating or suspended matter in the receiving water,
- Discoloration of the water,
- Bottom deposits,
- Visible films, sheens, or coatings,
- Fungi, slimes, or objectionable growths,
- Potential nuisance conditions.

Receiving water observations shall be summarized and submitted with each monitoring report. If necessary, the Executive Officer may require authorized dischargers to perform water quality monitoring and submit analytical data or photographic documentation of receiving water conditions in addition to or in lieu of visual observations.

IX. OTHER MONITORING REQUIREMENTS

A. Exotic Species Monitoring

Dischargers shall immediately report the presence, anywhere within their facilities, of any biota listed in California Code of Regulations, Title 14, Section 245, or referenced in part a. 8 of the same section, which is not indigenous to the Central Coast Region (exotic species). Any information shall be provided orally to the Central Coast Water Board and California Department of Fish and Wildlife (CDFW) within 24 hours from the time the Discharger becomes aware of the circumstances. In addition, if the Discharger becomes aware of a release of an exotic species through their discharge, the Discharger shall notify the Central Coast Water Board, CDFW, and MBNMS (ph:831-236-6797; email: Sophie.Debeukelaer@noaa.gov) within 24 hours from the time the Discharger becomes aware of the circumstances.

If CDFW advises the Executive Officer that exotic species are present in the receiving water as a result of the discharge, the Discharger may be required to perform an assessment of impacts to the aquatic habitat beneficial uses of the receiving water. Such an assessment may include a complete survey of all aquatic life potentially affected by the exotic species. The assessment may require an independent third-party consultant. Results of the assessment shall be shared with MBNMS staff when it is completed. Any necessary eradication efforts shall be administered by the Discharger and CDFW.

The results of all internal exotic species inspections, and inspections conducted by CDFW in accordance with Aquaculture Disease Control regulations, shall be summarized in each monitoring report.

B. Chemical Usage

With each monitoring report, dischargers shall submit the following information regarding the use of drugs, disinfectants, and other chemicals that may be present in discharges to surface waters.

1. Names, active ingredients, label instructions and restrictions, Material Safety Data Sheets, and amounts of all drugs, disinfectants, and other chemicals used.
2. Dates of application of drugs, disinfectants and other chemicals. For drugs, disinfectants and other chemicals used on a routine basis, the frequency of application may be reported instead of each date of application.
3. Treatment concentrations of the active ingredients, duration of treatment, whether treatment was static or flush, the amount of drugs, disinfectants and other chemicals applied in gallons or pounds, and the water flow (in cubic feet per second [CFS]) through the system for flush treatments or the volume of the system for static treatments.
4. The quantitative measure of the active ingredient, or the estimated concentration of the active ingredient in the effluent at the point of discharge to the receiving waters, determined by solving for the active ingredient (C), in micrograms per liter (µg/L), where:

$$C = (\text{treatment concentration}) \times (\text{flow in treatment area}) / (\text{flow at the point of discharge})$$

5. The flow in cfs during chemical usage at the point of discharge to the receiving waters.

X. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

1. The Discharger shall comply with all Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.

B. Self-Monitoring Reports (SMRs)

1. At any time during the term of this permit, the State or Central Coast Water Board may notify Dischargers to submit electronic Self-Monitoring Reports (SMRs) using the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site (http://www.waterboards.ca.gov/water_issues/programs/ciwqs/)¹. Until such notification is given, Dischargers shall submit electronic copies of SMRs in Adobe Acrobat file format (.pdf) via email to centralcoast@waterboards.ca.gov. Dischargers shall also provide an electronic copy of the annual NPDES Monitoring Report–Exotic Species to MBNMS staff (Karen.grimmer@noaa.gov and Sophie.Debeukelaer@noaa.gov) on the same timeline as provided to the Central Coast Water Board (see Table E-6).
2. Dischargers shall report in the SMR the results for all monitoring specified in this MRP under sections III through IX. Dischargers shall submit SMRs including the results of all required monitoring using USEPA-approved test methods or other test methods specified in this Order. If a Discharger monitors any pollutant more frequently than required by this Order, the results of that monitoring shall be included in the calculations and reporting of the data submitted in the SMR.
3. Sampling and monitoring as required by this MRP shall begin on the effective date of this Order for pre-existing enrollees, and thereafter on the effective date of enrollment for new enrollees. Dischargers shall complete all required monitoring and reporting according to the following schedule unless otherwise directed by the Executive Officer:

Table E-6. SMR Schedule

SMR Name	Permit Section for Monitoring & Sampling Data Included in Report	SMR Submittal Frequencies	SMR Due Date
NPDES Monitoring Report - General	MRP Section III (Influent), Section IV (Effluent), and Attachment D, Standard Provision VIII.D.8	Annually	February 1 st (following calendar year of sampling)
NPDES Monitoring Report – Receiving Water	MRP Section VIII (Receiving Water), and Attachment D, Standard Provision VIII.D.8	Annually (minimum sampling frequency is quarterly)	February 1 st (following calendar year of sampling)
NPDES Monitoring Report – Exotic Species	MRP Section IX.A (Exotic Species), and Attachment D, Standard Provision VIII.D.8	Annually	February 1 st (following calendar year of sampling)

¹ Note that if the Central Coast Water Board initiates electronic SMR submittal via the CIWQS Web site for enrollees, the CIWQS Web site will provide additional directions for SMR submittal in the event of service interruption.

SMR Name	Permit Section for Monitoring & Sampling Data Included in Report	SMR Submittal Frequencies	SMR Due Date
Monitoring Report – Chemical Usage	MRP Section IX.B (Chemical Usage), and Attachment D, Standard Provision VIII.D.8	Annually	February 1 st (following calendar year of sampling)

4. Reporting Protocols. Dischargers shall report with each sample result the applicable reported Minimum Level (ML) and the current Method Detection Limit (MDL), as determined by the procedures established at 40 CFR part 136.

Dischargers shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:

- a. Sample results greater than or equal to the reported ML shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).
- b. Sample results less than the reported ML, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified," or DNQ. The estimated chemical concentration of the sample shall also be reported.

For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ as well as the words "Estimated Concentration" (may be shortened to "Est. Conc."). The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical estimates of data quality may be percent accuracy (\pm a percentage of the reported value), numerical ranges (low to high), or any other means considered appropriate by the laboratory.

- c. Sample results less than the laboratory's MDL shall be reported as "Not Detected," or ND.
 - d. Dischargers are to instruct laboratories to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from *extrapolation* beyond the lowest point of the calibration curve.
5. Dischargers shall submit SMRs in accordance with the following requirements:
 - a. Dischargers shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the facility is operating in compliance with interim and/or final effluent limitations. Dischargers are not required to duplicate the submittal of data that is entered in a tabular format within CIWQS. When electronic submittal of data is required and CIWQS does not provide for entry into a tabular format within the system, Dischargers shall electronically submit the data in a tabular format as an attachment.
 - b. Dischargers shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of the General Order; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.
 - c. Dischargers shall submit SMRs to the Central Coast Water Board in Adobe Acrobat file format (.pdf), signed and certified as required by the Standard Provisions (Attachment D), to the email address centralcoast@waterboards.ca.gov.

d. In accordance with Attachment D, section VIII.D.8, Dischargers shall submit an **Annual Self-Monitoring Report** due no later than **February 1st** following each calendar year and shall also include:

- All data required by this MRP for the corresponding monitoring period, including appropriate calculations to verify compliance with effluent limitations.
- A discussion of any incident of non-compliance and corrective actions taken.

C. Discharge Monitoring Reports (DMRs)

1. Similar to Section X.B.1 above, at any time during the term of this permit, the State or Central Coast Water Board may notify Dischargers to electronically submit Discharge Monitoring Reports (DMRs). Until such notification is given, Dischargers shall submit DMRs in accordance with the requirements described below.
2. DMRs must be signed and certified as required by the standard provisions (Attachment D). Dischargers shall submit the original DMR and one copy of the DMR to one of the addresses listed below:

Standard Mail	FedEx/UPS/Other Private Carriers
State Water Resources Control Board Division of Water Quality c/o DMR Processing Center PO Box 100 Sacramento, CA 95812-1000	State Water Resources Control Board Division of Water Quality c/o DMR Processing Center 1001 I Street, 15 th Floor Sacramento, CA 95814

3. All discharge monitoring results must be reported on the official USEPA pre-printed DMR forms (EPA Form 3320-1) or on self-generated forms that follow the exact same format of EPA Form 3320-1. USEPA will not accept forms that are otherwise self-generated or modified.

D. Other Reports

1. Dischargers shall report the results of any special monitoring, TREs, or other data or information that result from the Special Provisions, section VI. C, of the Order. Dischargers shall submit such reports with the first monthly SMR scheduled to be submitted on or immediately following the report due date.

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ATTACHMENT F – FACT SHEET

As described in section II of the Order, this Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

This Order has been prepared under a standardized format to accommodate a broad range of discharge requirements for dischargers in California. Only those sections or subsections of this Order that are specifically identified as “not applicable” have been determined not to apply to this Discharger. Sections or subsections of this Order not specifically identified as “not applicable” are fully applicable to this Discharger.

I. PERMIT INFORMATION

On December 5, 2013, the Central Coast Water Board adopted Order No. R3-2013-0041 (General NPDES Permit No. CAG993003) – *Waste Discharge Requirements / NPDES General Permit for Discharges from Aquaculture and Aquariums* (General Permit). Order No. R3-2013-0041 included, as Attachment E, Monitoring and Reporting Program No. R3-2013-0041. This Order reissues the General Permit, including its Monitoring and Reporting Program.

II. DISCHARGE INFORMATION

A. Discharge Characterization

This Order is intended to authorize and regulate similar point source discharges from aquaculture facilities and aquariums (facilities that contain, grow, hold, or study aquatic species) to waters of the United States within the Central Coast Region. There are currently eight dischargers authorized by the General Permit:

- 1) The UC Davis Granite Canyon Marine Pollution Studies Laboratory (MPSL), located at 34500 Highway One in Monterey County. MPSL conducts applied toxicology research and is authorized by the General Permit to discharge to the ocean within the Monterey Bay National Marine Sanctuary (MBNMS) approximately eight miles south of Carmel along the Big Sur coast. Physical facilities at the MPSL include laboratory culture buildings, toxicity laboratories, a dishware cleaning and sample storage facility, office buildings, and a sample sorting shed.
- 2) The UC Santa Cruz Institute of Marine Sciences (UCSC), located at 100 Shaffer Road in Santa Cruz. UCSC is a marine research and education facility that uses a seawater delivery system to supply pens, pools, and laboratories, and is authorized by the General Permit to discharge to the ocean within the MBNMS. The shared outfall includes discharges from Long Marine Lab, California Department of Fish and Wildlife (CDFW) Marine Wildlife Center, and NOAA Fisheries Laboratory.
- 3) The Hopkins Marine Station of Stanford University (HMS), located at 120 Ocean View Boulevard in Pacific Grove, Monterey County. HMS is a marine research and education facility with research laboratories and aquarium systems. HMS is authorized by the General Permit and State Water Resources Control Board Resolution No. 2011-0050 to discharge to the ocean within the MBNMS into the Pacific Grove Area of Special Biological Significance (ASBS).
- 4) The Abalone Farm, Inc., located near Villa Creek Road off Highway One approximately three miles northwest of Cayucos, San Luis Obispo County. The Abalone Farm, Inc. produces abalone in an onshore raceway system that discharges into the portion of the Pacific Ocean known as Estero Bay.

- 5) Cultured Abalone Farm, LLC, located in Santa Barbara County eight miles west of Goleta at Rancho Los Dos Pueblos. Cultured Abalone Farm, LLC is a commercial abalone aquaculture operation. The flow-through seawater system discharges into the Pacific Ocean across the rocky intertidal area.
- 6) Silverking Oceanic Farms, Inc., owned by American Abalone Farms LLC, located at 245 Davenport Landing Road in Davenport, Santa Cruz County. Silverking Oceanic Farms, Inc. is a commercial abalone aquaculture operation which operates a flow-through seawater system.
- 7) The Monterey Bay Aquarium, located at 886 Cannery Row in the City of Monterey, Monterey County. The Monterey Bay Aquarium displays thousands of animals and plants and discharges from a seawater system through four ocean outfalls and is authorized by the General Permit and State Water Resources Control Board Resolution No. 2011-0051 to discharge to the ocean within the MBNMS into the Pacific Grove Area of Special Biological Significance.
- 8) Moss Landing Marine Laboratories, located at 8272 Moss Landing Road in Moss Landing, Monterey County. Moss Landing Marine Laboratories (MLML) is owned by San Jose State University Research Foundation (SJSURF) and accepts discharges from MLML's main lab, MLML's Aquaculture Center, Monterey Bay Aquarium Research Institute (MBARI), and Monterey Bay Seaweeds. The facilities share a pass-through seawater system with seawater intake and discharge pipes located within the former National Refractories outfall in Moss Landing.

Dischargers authorized by the General Permit may use various types of production or containment facilities, which can generally be described as ponds or other static systems, flow-through systems, recirculating systems, and open water (net pen) systems.

Pond systems, which are generally used for production of warm water species, are usually aerated and characterized by the lack of a continuous discharge. Infrequent discharges may occur as a result of a storm event or draining for harvest or repairs. Due to decomposition of biological material and settling of solids (feces, uneaten feed, and sediment), much of the waste from such systems becomes incorporated within the pond sediment and can be managed by minimizing disturbances of sediments, reducing drainage frequency, managing water levels, minimizing erosion in and around pond banks, feed management, and the proper use and storage of chemicals and therapeutic agents.

Flow-through systems imitate the natural environment. In such systems, water, diverted from streams, wells, or the ocean enters continuously at the top of the system near the water source. In flow-through production systems, smaller, younger fish are typically held at the top of the system near the water source, which is the highest quality water. As fish grow, they can tolerate lesser quality water, and they are moved to downstream units. The most significant pollutants discharged from flow through systems are solids from uneaten feed and feces, which are primarily organic matter with high BOD and organic nitrogen and phosphorous contents. Some flow-through systems use in-line settling capability to treat the full flow of the facility; others have quiescent zones that allow solids to settle for collection and transfer to offline settling basins and lagoons.

Recirculating systems utilize tanks with continuously flowing water and sidestream treatment technologies, which continuously treat a portion of the flow and return it to the production system.

Net-pen and open-water systems take advantage of an existing water body's circulation to wash away wastes and bring fresh water to the animals. Net pens, which are used primarily to grow stock to food size, are typically suspended from a floating structure and anchored to the sea floor, while

allowing some movement with tides and currents. Uneaten feed and feces contribute solids, biochemical oxygen demand, and nutrients directly to the water column from such systems.

The U.S. Food and Drug Administration (FDA) Center for Veterinary Medicine regulates animal drugs under the Federal Food, Drug, and Cosmetic Act (FFDCA). Extensive toxicity studies are required prior to drug approval from the FDA; however, limited data on potential environmental effects are available for some medications that are currently authorized for investigational use, and limited or no data are available characterizing the ecological significance of releases of drugs and chemicals at aquaculture facilities in the United States. The Central Coast Water Board recognizes, however, the general concerns with residual antibiotics and pesticides in the environment. Such residual materials may pollute receiving waters and immunize the organisms they are designed to control. These effects can be distributed well outside of the original areas of application. In addition, pesticides can impair aquatic organisms in receiving waters depending on the rates applied and the rate of breakdown of the product or of the active ingredient.

B. Discharge Points and Receiving Waters

This Order authorizes discharges to ocean and inland surface waters of the Central Coast Region. The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all receiving waters of the Region. To address ocean waters, the Basin Plan also incorporates by reference the *Water Quality Control Plan for Ocean Waters of California* (the Ocean Plan). Beneficial uses established by the Basin Plan and the Ocean Plan for waters within the Central Coast Region are described in Section II. H of the Order.

C. Summary of Existing Requirements

The existing Order includes the following significant prohibitions, effluent limitations, and other requirements.

Effluent Limitations

Table F-1. Final Effluent Limitations

Pollutant	Units	Monthly Average	Weekly Average	Instantaneous Maximum
Oil & Grease	mg/L	25	40	75
Total Suspended Solids (TSS)	mg/L	---	---	60
Settleable Solids	mL/L/hr	1.0	1.5	3.0
Turbidity	NTUs	75	100	225
pH	s.u.	6.0 – 9.0 at all times		

Discharge Prohibitions

The following discharges were prohibited by Order No. R3-2013-0041 and will be prohibited by Order No. R3-2019-0001:

- Discharges in a manner or location different than as described in the Discharger's Notice of Intent.
- Discharges with a reasonable potential to cause or contribute to exceedances of applicable water quality criteria for toxic pollutants.

- Discharges that are toxic to human, animal, plant, or aquatic life.
- Discharges of radiological, chemical, or biological warfare agent or high-level radioactive waste.
- Discharges of fish pathogens identified by the State Department of Fish and Wildlife at title 14 of the California Code of Regulations, section 245.
- Discharges of malachite green fungicide.
- Discharges of sanitary wastewater.
- Discharges to Areas of Special Biological Significance unless exempt.

Other Requirements

- Effluent shall be settled, screened, or filtered to minimize the discharge of waste solids.
- Dischargers shall develop and implement Best Management Practices (BMP) Plans to minimize the discharge of pollutants.
- Dischargers shall comply with Monitoring and Reporting Program No. R3-2019-0001, which includes monitoring requirements for facility intake water, effluent, and receiving water; reporting requirements regarding chemical and drug usage; and monitoring and notice requirements regarding exotic species.

D. Compliance Summary

Monitoring data for settleable solids, total suspended solids, turbidity, pH, and temperature were generally in compliance with effluent limitations in Order No. R3-2013-0041. A review of data submitted from the seven facilities enrolled in Order No. R3-2013-0041 indicates the following incidents of non-compliance over the life of the permit.

1. **The Abalone Farm, Inc.:** No violations reported. Facility in compliance.
2. **The Cultured Abalone Farm, LLC.:** No violations reported. Facility in compliance.
3. **Long Marine Laboratory, University of California Santa Cruz:** No violations reported. Facility in compliance.
4. **Granite Canyon Marine Pollution Studies Laboratory:** No violations reported. Facility in compliance.
5. **Silverking Oceanic Farms:** No violations reported. Facility in compliance.
6. **Monterey Bay Aquarium:** No violations reported. Facility in compliance.
7. **Hopkins Marine Station of Stanford University:** No violations reported. Facility in compliance.
8. **Moss Landing Marine Laboratories:** No violations reported. Facility in compliance.

E. Planned Changes

This section of the standardized permit template is not applicable to the General Permit for Discharges from Aquaculture Facilities and Aquariums.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in the proposed Order are based on the requirements and authorities described in this section.

A. Legal Authorities

This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as a general National Pollutant Discharge Elimination System (NPDES) permit for point source discharges from aquaculture facilities and aquariums to waters of the Central Coast Region. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the California Water Code (commencing with section 13260).

B. California Environmental Quality Act (CEQA)

This action to reissue an NPDES permit for discharges from aquaculture facilities and aquariums is exempt from the provisions of the CEQA, Public Resources Code sections 21100 – 21177, pursuant to Water Code section 13389.

C. State and Federal Regulations, Policies, and Plans

1. Water Quality Control Plans

The Central Coast Water Board adopted *Water Quality Control Plan for the Central Coastal Basin* (the Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for receiving waters within the Region. To address ocean waters, the Basin Plan also incorporates by reference the *Water Quality Control Plan for Ocean Waters of California* (the Ocean Plan).

Beneficial uses established by the Basin Plan and the Ocean Plan for the Pacific Ocean are described in section II. H of the Order. Beneficial uses established by the Basin Plan for inland surface waters are described in section II. H of the Order.

Requirements of this Order implement the Basin Plan and Ocean Plan.

2. Thermal Plan

The State Water Board adopted *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. The Thermal Plan contains the following temperature objectives for coastal waters, which may be applicable to discharges authorized by the General Permit. (Note: the Ocean Plan defines “elevated temperature waste” as waste that is discharged at a temperature higher than the natural temperature of receiving water, and it defines an “existing discharge” as one that was occurring or for which construction was started prior to the adoption of the Thermal Plan on January 7, 1971.)

Existing Discharges to Coastal Waters

- Elevated temperature wastes shall comply with limitations necessary to ensure protection of the beneficial uses and Areas of Special Biological Significance.

New Discharges to Coastal Waters

- Elevated temperature wastes shall be discharged to the open ocean away from the shoreline to achieve dispersion through the vertical water column.
- Elevated temperature wastes shall be discharged at a sufficient distance from Areas of Special Biological Significance to ensure the maintenance of natural temperature in these areas.
- Discharges of elevated temperature wastes shall not result in increases in the natural water temperature exceeding 4° F at the shoreline, the surface of any ocean substrate, or the ocean surface beyond 1,000 feet from the discharge system. The surface temperature limitation shall be maintained at least 50 percent of the duration of any complete tidal cycle.

Requirements of this Order implement the Thermal Plan.

3. California Ocean Plan

The State Water Board adopted the *Water Quality Control Plan for Ocean Waters of California*, (the Ocean Plan) in 1972 and amended it in 1978, 1983, 1988, 1990, 1997, 2000, 2005, 2009, 2012, and 2015. The latest amendment was adopted on May 6, 2015, and became effective on January 28, 2016. In order to protect beneficial uses of ocean waters, the Ocean Plan establishes water quality objectives and a program of implementation. Requirements of this Order implement the Ocean Plan, which is applicable in its entirety, to point source discharges to the ocean.

4. Alaska Rule

On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards become effective for CWA purposes. [65 Fed. Reg. 24641 (April 27, 2000), codified at 40 CFR 131.21] Under the revised regulation (also known as the Alaska Rule), new and revised standards submitted to USEPA after May 30, 2000 must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000, may be used for CWA purposes, whether or not approved by USEPA.

5. Antidegradation Policy

NPDES regulations at 40 CFR § 131.12 require that State water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16, which incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that the existing quality of waters be maintained unless degradation is justified based on specific findings. The Central Coast Water Board's Basin Plan implements and incorporates by reference both the State and federal antidegradation policies.